

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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COURCHEVEL 1850 LLC,

BROOKLYN OFFICE

Plaintiff,

- against -

**ORDER ADOPTING REPORT
AND RECOMMENDATION**
16-CV-6803 (RRM) (CLP)

RANDOLPH DONALDSON; YUHAN AVEZBAKI;
NEW YORK STATE DEPARTMENT OF TAXATION
AND FINANCE; COMMISSIONER OF LABOR OF
THE STATE OF NEW YORK; WORKERS'
COMPENSATION BOARD OF NEW YORK STATE;
NEW YORK CITY ENVIRONMENTAL CONTROL
BOARD; NEW YORK CITY PARKING VIOLATIONS
BUREAU; WILLOUGHBY 2014 REALTY CORP; and
JOHN DOES 1-12,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

Plaintiff Courchevel 1850 LLC ("Courchevel") commenced this action pursuant to New York Real Property Actions and Proceedings Law § 1301 to foreclose on a mortgage taken out by defendant Randolph Donaldson on June 30, 2006, for the principal amount of \$139,800.00 (the "Mortgage") on a property located at 787 Willoughby Avenue, Brooklyn, NY (the "Property").¹ (Compl. (Doc. No. 1).) Donaldson did not answer or otherwise respond to the Complaint. The Clerk entered default, and Courchevel moved for default judgment. (Entry of Default (Doc. No. 22); Mot. for Default J. (Doc. No. 23).) The Court referred the motion to the Honorable Magistrate Judge Cheryl L. Pollak. (4/26/2017 Order.) Judge Pollak ordered the

¹ Defendant Yuhan Avezbaki is a 49% owner of the Property. (Compl. ¶ 8.) Courchevel does not allege that Avezbaki is a signatory to the Mortgage. All remaining defendants were added as necessary parties due to various liens and judgments or potential claims of interest against the Property that Courchevel alleges are subordinate to the Mortgage. (Compl. ¶¶ 10-24.) All defendants were served. (Summonses Returned Executed (Doc. Nos. 10-17, 19).) Of all the defendants, only the Workers' Compensation Board of New York State appeared, and it waived all service and notice except for notice of sale and notice of surplus monies. (Notice of Appearance and Waiver in Foreclosure (Doc. No. 24).)

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defendants to submit evidence of their damages calculations, if any, by January 31, 2018. (1/25/2018 Order (Doc. No. 25).) None did.

Consequently, Judge Pollak issued a Report and Recommendation (“R&R”) on February 1, 2018, recommending that Courchevel’s motion for default judgment of foreclosure and sale be granted, that judgment be entered against Donaldson in the amount of \$255,055.58, and that a referee be appointed to effectuate the foreclosure and sale of the Property. (R&R (Doc. No. 27) at 10–12, 16.) In her R&R, Judge Pollak reminded the parties that, pursuant to Federal Rule of Civil Procedure (“Rule”) 72, any objections to the R&R must be filed within 14 days of receipt of the R&R. (R&R at 16.) A copy of the R&R was mailed to each of the defendants on February 6, 2018. (Certificate of Service (Doc. No. 29).) The deadline to file objections has passed, and no party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Rule 72, this Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

Accordingly, Courchevel’s motion for default judgment is granted as against all defendants, Courchevel’s motion for a judgment of foreclosure and sale is granted, and it is hereby ordered that judgment be entered against defendant Randolph Donaldson, the signatory on the Note and Mortgage, in the total amount of \$255,055.58. It is further ordered that a referee be appointed to effectuate the foreclosure and sale of the Property.

The Clerk of Court is respectfully directed to enter judgment, send a copy of this Memorandum and Order and the accompanying judgment to each of the defendants at each

defendant's last known mailing address, and close the case.

SO ORDERED.

Dated: Brooklyn, New York

October 19, 2018

/s/ USDJ ROSLYNN R. MAUSKOPF

ROSLYNN R. MAUSKOPF

United States District Judge